

EXTRA

NEARER THE GALLOWS.

Dan Driscoll's Application for a New Trial Denied.

The Why Murderer Likely to be Hanged Next Friday.

Recorder Smyth Decides that the Alleged Perjury of Carrie Wilson Did Not of Itself Convict—How to Apply to Every Judge in the State if Necessary to Save His Client—Notice of Appeal Served.

Recorder Smyth came down to the brownstone court-house at 10.30 a. m. to-day. But, before he could get to his chambers, he was met by a group of men who were waiting for him. They were the men who had been arrested in connection with the murder of Dan Driscoll.

Presently Lawyer Howe, his face grave and serious, came in. To him Recorder Smyth said: "Mr. Howe, I shall deny your motion for a new trial for Driscoll."

An hour later, in Part III. of the Court of General Sessions, Recorder Smyth announced his decision, adding that during the afternoon he would file a written opinion.

Lawyer Howe at once served notices of an appeal to be taken against the adverse judgment. So as to cover the case thoroughly, the notices were of an appeal to be taken both to the General Term of the Supreme Court and to the Court of Appeals. Such a proceeding is, it is said, entirely original.

Lawyer Howe was closeted with Judges Daniels and Brady, of the Supreme Court, for half an hour this afternoon, trying to get them to act in Driscoll's case.

On the 11th day of July, however, a strike of the employees of the Brooklyn Elevated Railway took place. The striking employees were willing to submit the difference to arbitration, but the company declined to do so.

Judges Daniels and Brady took the opposite view and told Driscoll's counsel that he had no remedy before the General Term.

Mr. Howe says he will leave for Albany at 10 o'clock to-morrow morning and lay the case before Chief Justice Ruger. He thinks it unlikely that Driscoll will be hanged on Friday, inasmuch as he does not believe that either Sheriff Grant or the General Term judges will like to take the responsibility of proceeding in existence in the case of a new trial.

Fried potatoes—mutton chops and "coffee" was the slow response of Murderer Dan Driscoll at the Town Hall this morning when asked what he would have for breakfast.

Driscoll had tossed uneasily upon his cot all night, and was little refreshed by the fitful sleep which had come to him.

The chaps were sweet and juicy, the potatoes sliced ever so thin and crisped in butter just to the right rich brown, and the coffee redolent of sweet aroma.

Driscoll was in no mood for breakfasting, and for a long time the tray of edibles remained untouched as he sat on the edge of his cot. It was evident that his thoughts were on the case.

Each gave cigars to the condemned man, and he puffed and puffed, the stump of one serving as a lighter for another.

The brief of the condemned man was permitted to see him at 10 o'clock. She was allowed to come near enough that they might converse together in subdued tones, but they were not permitted to touch one another.

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STATE BOARD OF ARBITRATION.

Extracts from the Annual Report—Remedies on Noted New York Strikes.

[SPECIAL TO THE WORLD.]

ALBANY, Jan. 16.—The State Board of Mediation and Arbitration will present its annual report to the Legislature to-night. It is a voluminous document. It states that the number of labor difficulties in 1937 was much less in the aggregate than in the preceding year.

The strike of members of Typographical Union No. 6 employed in the New York job and book trade and the lockout of the Chandler manufacturers are treated for length. Both are characterized as contests of endurance.

The officers of the Typographical Union and the Strike Commission declined arbitration. The "card office" proposition was therefore defeated.

The Chandler manufacturers are condemned for their failure to keep the lockout agreement. The employees were willing to submit the matter to arbitration. The employers were not.

It was only a question as to which could hold out the longest. The employees, who were reduced to starvation, were forced to surrender.

In communicating on the result of these strikes, the Board says: "The strikes of labor disputes through voluntary arbitration by the appointment of standing committees, representatives of employees on the one side and employers on the other, in each branch of industry, is a system that is fast becoming a perceptible growth throughout the State and one worthy of every encouragement."

The report says further: "It is gratifying to be able to state that since the break of the tie-up on the Brooklyn City Railroad and the final adjustment of the difference between the corporation and its employees, Dec. 27, 1936, there has been no strike of any importance in the metropolis or elsewhere in the State."

On the contrary, the arrangements of settlement made through the intervention of the Board have been formally renewed for another year, with such alterations as were mutually agreed upon.

On the 11th day of July, however, a strike of the employees of the Brooklyn Elevated Railway took place. The striking employees were willing to submit the difference to arbitration, but the company declined to do so.

The circumstances of this strike of railroad employees and from the question whether a provision of law may not be properly made to prevent or punish arbitrary and abrupt interruption of travel and transportation of freight.

The great inconvenience of the public and danger to human life and material values upon lines for the transportation of persons and property, whether by the corporate powers owning and operating them or by the persons in service upon them.

A railroad corporation serving the public is a different body from an individual, a firm, a partnership or a corporation engaged in the pursuit of ordinary industrial enterprises. Yet, at the same time, a private individual, firm or corporation holding and using property for public purposes becomes amenable to legislative power in like manner with a public corporation.

Clear-Makers Waiting for Orders.

The International Union clear-makers did not receive any orders up to noon to-day to strike in the shops where employees have applied for leave so far.

The strike committee were expected to receive orders at that time, but the clear-makers' factory because that firm has reduced prices.

Mr. 14th's Executive Board meets to-night at 925 State-street, and may take further action on the strike.

Orders to strike may be received late this evening from President Stasner, and in that event 700 or 800 men will go out.

Reading Strikers Are Determined.

READING, Jan. 16.—All the delegates to yesterday's convention left for home this morning, determined to continue the fight against the Reading road with renewed vigor.

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THE WEEKS MURDER

New Evidence From Members of Greenwald's Gang.

Important Admissions Made by the Condemned Man.

Inspector Byrnes Again Shows His Hand in the Brooklyn Case.

A Confession by Fred Miller Contradicts Inspector Byrnes's Belief that Krause Was Engaged with Greenwald and Butch Miller in the Murder—Clothing and Jewelry Traced to a Baxter Street Dealer.

Inspector Byrnes has forged another link in the evidence which proves that Greenwald and "Butch" Miller murdered Lyman S. Weeks, of Brooklyn, last April when he caught them in the act of robbing his house on De Kalb avenue.

On Friday night, acting under his instructions, Detectives McManus and Lyman raided a room at 90 Elizabeth street and arrested Henry Klein, Fred Miller and Fritz Brown, three members of the Greenwald, Krause and Miller gang.

They found evidences of recent tenement-house robberies in the possession of the men, and locked all three up at Police Headquarters.

In the room was a complete outfit of instruments used by burglars to silence wakeful persons, including two villainous looking long slung-shot, half a dozen "bills" and a full assortment of brass knuckles and jimmies, sledges, skeleton keys and other implements belonging to thieves.

The robberies committed by this gang of youthful criminals, all of whom are Germans who have been in this country only a short time, were confined to east side tenement-houses. The thieves effected an entrance generally by means of the fire-escapes.

From pawn tickets and memoranda found on the persons of the prisoners, some of the stolen property was traced to a clothing store in the neighborhood of 60 Baxter street, and he, too, is a prisoner now.

Fifteen coats were stolen not long ago from Herman Goldstein, a tailor, of 261 De Kalb street, fourteen of which were returned to him by the police.

Inspector Byrnes said that he had visited both Greenwald and "Butch" Miller in the Raymond Street Jail. Greenwald said to him in effect:

"I have made connection with 'Butch' since we have been in jail and have agreed with him that if 'Butch' should be executed first for the murder he was to make a full confession, exonerating me from the crime, and, in turn, make a similar compact, as it was fully for both of us to be hanged for the same offense."

Fred Miller afterwards said "Butch" Miller who repeated what Greenwald had said and wanted Fred to see Greenwald again and have him sign the confession which had made, so that one of them could escape execution.

Fred had several conversations, he said, with both of the men, and he feels certain that they will keep their compact.

Miller also told the inspector that the day following the murder of Mr. Weeks "Butch" Miller and Paul Krause had a quarrel, when Butch said to him:

"Paul, you are a ——— for throwing away your life. You took from me the life of a man. If I had secured the coat I would have brought it here and got something out of it."

It will be remembered that when Mr. Weeks' house was robbed and he was shot dead a light overcoat was stolen, which was found subsequently in a lot, where it had been cast away by one of the burglars.

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BACK FROM THE BIG FIGHT.

Harding Says McNeil Was Killed in Mistake for Him.

On the Cunard steamship Umbria, which came into her dock at noon to-day after a boisterous passage, was William E. Harding, Richard K. Fox's representative at the Kilrain-Smith fight; Charley Johnston, of Brooklyn, who was to have seconded the American, and Jimmy Wakely and Phil Lynch, also of Brooklyn, who went across the Atlantic to see the fight, but who, with Johnston, were left at a hotel in Rouen while the pugilists were pummeling each other twenty miles away.

Awaiting them on the dock were their relatives and a host of Brooklyn friends, among others Jack Burgess and Prof. Miller.

Lynch was the first man down the plank, and was bounced upon by an EVANS WORLD reporter. He said that the fight was "not on the level."

"How was it that you did not see the fight?"

"We were given the tip and went to Rouen Friday night. Harding told us that the boat would leave at 9 o'clock Monday morning, and instead it left half an hour earlier and left us on Saturday."

"They were afraid to have us present. Mitchell and Ponky Moore said we were fighters and cutters, and that we'd win any way. Well, we would. We would have won in the eighth round if we had been there."

"It was a fake all the way through. Mitchell and Ponky Moore had \$1,000 bet with Tony Sage, a Dublin bookmaker and a friend of mine, on Smith."

"We made up with Harding," said Lynch. "He was not to blame. They used him like a big clump."

Wakely refused to say a word about his experience.

Charley Johnston said that the American contingent had been treated "dirty mean" by the Englishmen, particularly by Mitchell and Moore. He said that he was as bad as the rest in his treatment of them.

Johnston also denounced Harding for his action in leaving them at Rouen after promising to call them for the boat at 9 o'clock. He said the whole American party had been treated "very low."

He also charged that Mitchell and Kilrain did all that they could to keep them from learning where the fight was to take place.

William E. Harding said that he must acknowledge that The World had the very best story of the fight, and did not hesitate to "pronounce" other reports as utter trash. He said the whole American party had been treated "very low."

Concerning the charges of leaving Johnston, Wakely and Lynch, he said that it was all owing to a misunderstanding.

"About the men fighting it on the next day, that was impossible," Harding added. "Jake's head was as big as a barrel and he was in a molasses barrel shape. They couldn't have fought possibly."

Harding expressed the opinion that the journalist, Archibald McNeil, who was killed after the fight, was mistaken for him (Harding), as he was of the same general appearance.

Harding said that he had been informed before he left London that he would be shot or stabbed before he returned. He said that an American sporting man was at the bottom of it.

Among the other passengers of the Umbria was V. E. Corney, of Philadelphia, who had been to England to secure entries for the six days' walking match at the Madison Square Garden next month.

He was met by Manager Frank Ball, Billy Corney, a long of Irish sports and had the very best of news for them.

He had secured Charley Rowell and George Cartwright, who sailed on the Inman line steamer Ohio on the 3d instant, to England to secure entries for the six days' walking match at the Madison Square Garden next month.

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PARNELL'S POLICY.

An Important Interview with the Irish Leader.

Grave Dissensions Exist in the Unionist Party.

A Crisis Will Surely Be Brought On by English Questions.

Let the Home Rulers Give the Tories a Chance and Salisbury Will Defeat Himself—A Hostile Vote Would Certainly Indicate a Lack of Confidence in the Government, the Premier to the Contrary. Notwithstanding—Something Must Be Done About Rents or Anarchy Will Attend the Relations Between Landlord and Tenant—Balfour's Cowardice.

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DUBLIN, Jan. 16.—The Freeman's Journal publishes an important interview with Mr. Parnell to-day on the subject of Lord Salisbury's Liverpool speech. The Irish leader said: Lord Salisbury's statement that in the event of a hostile vote of the House of Commons the government would have to consider whether they should follow the constitutional custom of resigning or dissolution, is, I believe, entirely without precedent on the part of a Minister in his position.

Lord Salisbury suggests that the reversal of the ordinary course would be dictated on account of the great magnitude of the questions and interests involved, and that he would be justified in continuing to carry on the Government of the country as a minority in face of a hostile vote, and would refuse to treat such vote as one of want of confidence, but it is precisely because the interests involved are large and of great importance that a division in reference to such interests is universally treated as a question of confidence.

If the matter were a small one it would be different. Then a Minister, although defeated, need not necessarily quit the question as one of confidence. In fact the greater the question and the larger the imperial interests involved, the more does it become a question of confidence.

DISSENSIONS AMONG UNIONISTS.

This statement of Lord Salisbury, to my mind, indicates the existence of grave dissensions—perhaps in the Cabinet, certainly in the party.

These dissensions, Mr. Parnell continued, are more likely to arise out of questions connected with proposed English legislation than upon the Irish question, although the extraordinary exhibition that Mr. Balfour has made of himself in the Irish office will undoubtedly have a disintegrating effect upon his followers. We may therefore expect the Ministerial crisis at any time during the session, arising out, as I have said, some English rather than the Irish question.

LET HOME-RULERS WATCH.

With these considerations in view, Mr. Parnell went on to say:

It would be pitiful, I think, for Irish members and English Radicals to do everything they possibly can to facilitate government business during the coming session, so that no cry of obstruction can be gotten up or alleged as an excuse for hindering the entertainment of great matters of English policy. Nothing could be more fatal than to give Government an opportunity of saying that owing to obstruction on their part they had not been able to find time to attend to Irish interests. It is in such matters that the germ of disintegration of the so-called Unionist party is sown. They may be said to agree about butting or dragging an Irish bill, but they will undoubtedly part company over their English legislation.

Let the Government get to work upon their English bills as soon as possible, would be my advice to the free finances of the Liberal party.

Mr. Parnell repeated the statement previously made, that the Tories approached him two years and a half ago with proposals of Home Rule.

JUDICIAL RENTS.

Referring to the Land Court reductions of rent, he said:

Consider that the reductions in judicial rents only amount to one-half of what the fall in prices alone entitles the tenants to, leaving out of the question altogether the reduced yield from the effects of the drought during the past year. I think it would be good policy for the Irish members to press for the shortening of the judicial term from fifteen years to five, or at all events that the Scotch term of ten years should be adopted so that the whole question of judicial rents may again come under the notice of the sub-committee free from the ingenious mathematical problem presented to the act of last session. Otherwise I can see nothing but increased confusion and anarchy as the prospects likely to attend the future relations between landlord and tenant in Ireland.

BALFOUR'S COWARDICE.

Mr. Parnell added, in conclusion:

I would make one observation regarding Mr. Balfour's administration in Ireland. It appears to me to have been marked by great meanness. With some he attempts to put down the Irish by the press by arresting the news-readers, taking proceedings against the former printer of the Cork Examiner instead of against the editor of that newspaper; his attempt to embarrass the operations of the Organizing Committee of the National League by proceeding against Mr. Harrington, the secretary, on a technical charge, for it is well known and, indeed, it was abundantly proven at this trial that Mr. Harrington has had no connection with or control over the paper for many years.

Failing to find any illegality in Mr. Harrington's conduct as Secretary of the National League, or any hope to be picked in the proceedings of the central organization, Mr. Balfour has taken advantage of the trial of the KERRY Southern, which I know as a fact, terminated in 1933 when Mr. T. Harrington became Secretary of the National League.

Recalling, also, Mr. Parnell continued, Mr. Balfour's untruthful letter about Mr. O'Brien after he had supposed that he had shut his mouth by imprisonment and prevention any reply. What can be more cowardly and contemptible than to put a man into jail, stop all communication between him and the outer world and then write a letter to the newspapers containing a series of misstatements?

OFFICE OF BLIZZARDI COAL BARON & CO.

How Much Shall New York Suffer From Blizzard, Coal Baron & Co?

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misrepresentations of fact injurious to the honor of his prisoner?

I hear, Mr. Parnell said, that the results of the recent revision, which has been one of the chief works of the National League, have been favorable to us and that there can be little doubt that while holding our own in the other constituencies we shall win three seats in the North of Ireland, viz.: North and South Tyrone and South Derry, which would give a Nationalist representation of eighty-nine and leave the Tories in Ireland with only fifteen seats, including Trinity, as compared with eighteen.

O'CONNOR AND REMONDE.

Mr. Parnell expressed his great pleasure at the successful results of the mission of Mr. Arthur O'Connor and Sir Thomas Remonde to America and his gratitude for their services. He regrets to hear that Mr. O'Connor is suffering from illness.

Sir Thomas Remonde writes him to say that never has the feeling of all classes and all nationalities been so unanimous in favor of Ireland and of Mr. Gladstone's great work, and that the ranks of our countrymen have never been so solidly knit together.

MRS. BEIDENFELD IN TEARS.

She Protests that She Is Telling the Truth at the Inquest.

Coroner Eldman continued the investigation this morning in the case of Druggist Shalberg Beidenfeld. Dr. Rumler was recalled at his own request.

He said that the first time that he called on Mr. Beidenfeld the gentleman did not say anything about his wife. Before the doctor entered the deceased's bedroom he heard Mr. Beidenfeld say: "Oh! send for Dr. Rumler."

Frederick Furchard, a wine merchant, at 17 Second avenue, a Commissioner for the deceased for fourteen years. He said the deceased came to his store Saturday, Jan. 7, between 10 and 11 o'clock in the morning, and had a glass of wine. He appeared then to be in good health.